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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7\*

Application Number

10/690,169

Filing Date

October 21, 2003

First Named Inventor

R. Kent Hermsmeyer

Art Unit

1614

Examiner Name

Attorney Docket Number

HME/7961.0013

### ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/  
Incomplete Application



Reply to Missing Parts  
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a  
Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD



Remarks

\* = plus patent reference



After Allowance Communication to TC



Appeal Communication to Board  
of Appeals and Interferences



Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify  
below):

1 patent reference

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Howard Eisenberg, Esq.

Signature

Printed name

Howard Eisenberg

Date

April 18, 2006

Reg. No.

36,789

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Howard Eisenberg

Date

April 18, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

### Complete if Known

Application Number	10/690,169
Filing Date	October 21, 2003
First Named Inventor	R. Kent Hermsmeyer
Examiner Name	
Art Unit	1614
Attorney Docket No.	HME/7961.0013

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account Deposit Account Number: 50-1773 Deposit Account Name: Howard Eisenberg

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
<u>23</u> - 20 or HP = <u>0</u> x <u>25</u> = <u>0</u>		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
<u>2</u> - 3 or HP = <u>0</u> x <u>100</u> = <u>0</u>		
HP = highest number of independent claims paid for, if greater than 3.		

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u>125</u> - 100 = <u>0</u> / 50 = <u>0</u> (round up to a whole number) x <u>125</u> = <u>0</u>				

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)

Other (e.g., late filing surcharge): \_\_\_\_\_

#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 36,789	Telephone (215) 453-9237
Name (Print/Type)	Howard Eisenberg	Date April 18, 2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Atty Doc. No. HME/7961.0013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT APPLICATION EXAMINING OPERATIONS**

In re the Application of :  
R. Kent Hermsmeyer : Group Art Unit: 1614  
  
Serial No. 10/690,169 : Examiner:  
  
Filed: October 21, 2003 : Date: April 18, 2006  
  
For a Patent for :  
ESTROGEN BETA RECEPTOR AGONISTS  
TO PREVENT OR REDUCE THE SEVERITY  
OF CARDIOVASCULAR DISEASE

**THIRD INFORMATION DISCLOSURE STATEMENT  
IN ACCORDANCE WITH 37 CFR §1.98**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits herewith copies of patents and publications of which he is aware and which he desires to have considered by the Patent Office in accordance with 37 CFR §1.97. In accordance with 37 CFR §1.97(b)(3), this Information Disclosure Statement is being submitted before the mailing date of a first Office Action on the merits of the above-identified application.

In accordance with 37 CFR §1.97(h), the filing of this Information Disclosure Statement will not be regarded as an admission that any patent or publication or combination of patents referred to herein is, or is considered to be, material to patentability under 37 CFR §1.56(b) unless specifically designated as such.

A list of the patents and publications enclosed herewith is set forth on the attached 3 pages of Information Disclosure Statement by Applicant.

The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor and the information in his file.

Respectfully submitted,



Howard M. Eisenberg  
Reg. No. 36,789  
2206 Applewood Court  
Perkasie, PA 18944  
Attorney for Applicant  
Tel: (215) 453-9237

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 18, 2006.

Dated: 4/18/2006



Howard M. Eisenberg



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/690,169
				Filing Date	October 21, 2003
				First Named Inventor	R. Kent Hermsmeyer
				Group Art Unit	1614
				Examiner Name	
Sheet	1	of	3	Attorney's Docket No.	HME/7961.0013

U.S. Patent Documents						
Examiner Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, columns, lines where passages or relevant figures appear
		Number	Kind Code			
	AA					
	AB					
	AC	6,242,438		Llewellyn	06-05-01	
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					
	AL					
	AM					
	AN					
	AO					
	AP					
	AQ					
	AR					
	AS					
	AT					

Sheet	2	of	3		Inventor:	Hermesmeyer
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FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. <sup>1</sup>	FOREIGN PATENT DOCUMENTS			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, columns, lines where passages or relevant figures appear	T <sup>2</sup>
		Office code	Number	Kind				
	B A							
	B B							
	B C							
	B D							
	B E							
	B F							
	B G							
	B H							
	B I							
	B J							

Examiner Signature		Date Considered	
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<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language translation is attached.

Sheet	3	of	3		Inventor:	Hermesmeyer
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OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS		
Examiner Initials	Cite <sup>1</sup> No.	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and or country where published
	C A	
	C B	
	C C	
	C D	
	C E	
	C F	
	C G	
	C H	
	C I	
	C J	
	C K	
	C L	

Examiner Signature		Date Considered	
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<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language translation is attached.